

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: RICHARD ALLEN OURADA, and
VICKI LYNN OURADA,
Debtors,

Paul W. Bucher, Trustee,

Plaintiff,

vs.

Transitional Living Corp.,

Defendant.

SCHEDULING ORDER AND
ORDER FOR TRIAL

BKY 09-35146

ADV 10-3121

At St. Paul, Minnesota.

UPON expiration of the Scheduling Order deadlines, IT IS HEREBY ORDERED:

1. ***Inapplicability of Disclosure Requirements.*** The provisions of FED. R. CIV. P. 26(a)(1), 26(f), 26(a)(2), and 26 (a)(3) shall not apply in this adversary proceeding.

2. ***Pre-trial Jurisdictional Motions.*** All motions for abstention, remand, determination of the right to jury trial, transfer to U.S. District Court, or other relief related to this Court's jurisdiction and authority to hear and finally determine this adversary proceeding shall be served and filed within thirty(35) days of the date of this Scheduling Order.

3. ***Witness Lists.*** No later than **April 8, 2011**, counsel for each party shall prepare, serve, and file a list of the names and addresses of all witnesses whom counsel may call at trial.

4. ***Exhibits.*** By the following deadlines, counsel shall take the following actions with respect to exhibits:

- a. By **April 18, 2011**: counsel shall serve and file a list of all exhibits that counsel may offer at trial. *The plaintiff shall designate all exhibits by number and the defendant shall designate all exhibits by letter.*
- b. By **April 18, 2011**: counsel shall exchange full copies of all exhibits identified in their lists.
- c. By **April 28, 2011**: counsel shall prepare, sign, and file a stipulation as to the admissibility of as many designated exhibits as possible. The stipulation may go to the foundation and authenticity alone (reserving objection as to relevancy), or may go to admissibility as a whole.

- d. By **April 28, 2011**: counsel shall file a statement of their client's specific objections as to all exhibits not covered by the stipulation contemplated by Term 4.c.

In addition to the copy of their client's exhibits to be offered formally into evidence, counsel shall bring to trial two full additional collated and stapled copies of all exhibits (for the judge and the law clerk), plus an additional such copy for each opposing party's review and use at trial. All such copies shall be premarked according to the identification system of Term 4.a., with the proponent (plaintiff or defendant) identified in the marking. If there are multiple parties plaintiff or defendant, each such shall identify itself as a plaintiff or defendant with an additional abbreviated form of the name by which it is identified in the caption.

5. **Stipulation of Fact.** By **April 28, 2011**, counsel for all parties shall jointly prepare, sign, and file a stipulation of uncontroverted facts, particularly as to basic documentary and transactional events. *For the purposes of this requirement, a stipulation is an **express agreement among parties**. The court does not wish to see a document entitled "stipulation of facts" that is actually one party's unilateral statement of facts that it believes are uncontroverted, or should be, and will give no weight or cognizance to such a document.*

6. **Motions in Limine.** By **April 28, 2011**, counsel shall serve and file all motions in limine. If the issues in such motions are complex, counsel shall set such motions on the calendar for a date *before* the date of the trial.

7. **Trial Briefs.** By **May 8, 2011**, counsel shall serve and file trial briefs, setting forth the factual and legal bases of their clients' positions, and with thorough citations to all statutes, court decisions, and other law on which they will rely.

8. **Pre-trial Settlement.** Counsel and the parties are strongly encouraged to time and conduct their negotiations so as to advise the court of settlement no later than seven days before the scheduled trial, in order to allow the court's calendar to be cleared for other matters

9. **Trial.** The court will call this matter for trial on **May 18, 2011, at 9:30 a.m.**, in Courtroom 2A, 2 nd Floor, U.S. Courthouse, 316 N Robert St. St. Paul MN 55101. The court has allotted **one (1) day(s)** for trial. Counsel and the parties shall be prepared to fully submit this matter within that time. NO FURTHER NOTICE OF THE TRIAL DATE WILL BE GIVEN.

10. **Private Information.** To avoid the inadvertent disclosure of private data and other sensitive information, counsel and parties unrepresented by counsel shall refrain from eliciting or mentioning during trial or including in motions, exhibits or any other submissions required by this order any of the following restricted information, except in the manner noted:

- a. Social Security numbers: use only the last four digits;
- b. Financial account numbers: use only the last four digits;
- c. Names of minor children: use only initials;
- d. Dates of birth: use only year of birth; and
- e. Home addresses of witnesses; use only city and state of residence.

If restricted information is mentioned in court, counsel or parties may ask to have it stricken from the record or partially redacted to conform to the judiciary's privacy policy.

11. ***Effect of This Order.*** All deadlines in this order are mandatory, unless extended by order. Such an extension may be obtained once, on stipulation reciting specified good cause in its terms, and otherwise only by formal motion. ***If any party is not represented by an attorney, he or she shall comply with all requirements directed to "counsel" in this order. FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN IMPOSITION OF SANCTIONS UPON COUNSEL OR PARTY, PURSUANT TO FED. R. CIV. P. 16(f), as incorporated by FED. R. BANKR. P. 7056.***

BY THE COURT:

/s/ Gregory F. Kishel

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GREGORY F. KISHEL
UNITED STATES BANKRUPTCY JUDGE

NOTICE OF ELECTRONIC ENTRY AND FILING ORDER OR JUDGMENT Filed and Docket Entry made on 03/14/2011 Lori Vosejpka, Clerk, By AML, Deputy Clerk
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